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*Simpson*, 5 C. & P. 73; *R. v. Crouch*, 1 Cox 94; *Com. v. Sturtivant*, 117 Mass. 139; *People v. Vanderhoof*, 71 Mich. 179; *Union P. R. Co. v. Yates*, 79 Fed. 584. Such tables when used are not conclusive on the question of the probable longevity of the life under consideration, but are to be considered with all the other evidence and given weight accordingly. The life expectancy as shown by the tables may be "varied, weakened, or entirely destroyed by other competent evidence on the question of the expected continuance of the life of the injured party." *City of Friend v. Ingersoll*, 39 Neb. 717; *Vicksburg v. Putnam*, 118 U. S. 545; *Birmingham Ry. Co. v. Wilmer*, 97 Ala. 165; *City of Joliet v. Blower*, 155 Ill. 414; *Jones v. McMillan*, 129 Mich. 86. Proof of good health of the person whose expectancy of life is under consideration is not generally a condition precedent to the admissibility of such tables, and evidence of poor health and disease does not go to the question of admissibility, but merely affects the weight to be given the tables. *Galveston, H. & S. A. Ry. v. Leonard*, 29 S. W. 955; *Memphis Street Ry. v. Berry*, 118 Tenn. 581; *Broz v. Omaha Maternity & General Hospital*, 148 N. W. 575.

EVIDENCE—ADMISSIONS BY REFERENCE TO A THIRD PERSON.—Decedent, while a patient in defendant's hospital, took poison. As evidence tending to prove negligence it was shown that several hours after the poison had been taken the head nurse in the hospital was asked how the patient got the poison, from the effect of which he was suffering. In response she referred the inquirer to the patient with directions that he ask him "how and where he got it." Upon inquiry the patient declared he got the poison in his room and swallowed it thinking it was his medicine. *Held*, the declarations and statements of the patient were admissible as admissions binding on the defendant. *Broz v. Omaha Maternity and General Hospital*, (Neb. 1914) 148 N. W. 575.

This decision is sound provided the nurse was acting within the scope of her authority at the time the alleged declarations were made, which, however, is questionable, because the statement was made several hours after the act to which it referred had been consummated. A principal is only bound by such statements and declarations as are made by the agent within the scope of his authority, and in connection with an authorized act then pending, so that they become in effect a part of the act authorized to be done. But the mere authority to do an act does not empower an agent to bind his principal by declarations of past occurrences, not connected with the doing of any act in his principal's behalf. Any narrative of a past act is, therefore, beyond the scope of his authority and can have no binding effect on the principal. *Luby v. The Hudson River R. R. Co.*, 17 N. Y. 131; *Blackman v. West Jersey & Seashore Co.*, 68 N. J. L. 1; *Vicksburg & Meridan Ry. v. O'Brien*, 119 U. S. 99; *Franklin Bank v. Penn. D. & M. S. Co.*, 11 G. & J. 33; *Andrews v. Tamarack Mining Co.*, 114 Mich. 379. Subject to this qualification the decision in the principal case is in accord with the generally accepted rule that one who directs another to a third person for information on an uncertain or disputed

matter is bound by the statements made by such third person, to the same extent as if he made the statements himself. *Burt v. Palmer*, 5 Esp. 145; *Hood v. Reeve*, 3 C. & P. 532; *R. v. Mallory*, 15 Cox Cr. 456; *Chadsey v. Greene*, 24 Conn. 562; *Chapman v. Twitchell*, 37 Me. 59; *Price v. Lederer*, 33 Mo. App. 426; *Over v. Schiffing*, 102 Ind. 191; *Mo. K. & T. Ry. Co. et al. v. Pettit*, 54 Tex. Civ. App. 358, 117 S. W. 894; *Armstrong v. Crump*, 25 Okl. 452.

HUSBAND AND WIFE—NO PRESUMPTION OF COERCION BY HUSBAND.—Husband and wife were indicted for selling liquor, the sale having been made by the wife in the presence of her husband. The court refused to give any instruction with reference to any presumption of coercion. *Held*, that failure to so instruct the jury was not reversible error. *State v. Seahorn*, (N. C. 1914) 81 S. E. 687.

The court held that the presumption—that the wife committed the crime by coercion of the husband, if the act was committed in his presence—does not comport with twentieth century conditions; and that the presumption is now denied in most states. The statement that the presumption is denied in most states is hardly correct. It has been abolished by statute in a few states. *Freel v. State*, 21 Ark. 212; *Bell v. State*, 92 Ga. 49. It is no longer recognized in Kansas. "It has no operation in Kansas on account of changed conditions of our society and institutions. It cannot be right under our present conditions of society." *State v. Hendricks*, 32 Kan. 559. In the higher crimes, such as treason (1 Hale P. C. 45), and murder (*Bibb v. State*, 94 Ala. 31; *Davis v. State*, 15 Ohio 72), coercion was perhaps never presumed. Some courts have also held that there is no such presumption, when the wife is indicted for keeping a house of illfame. *State v. Jones*, 53 W. Va. 613; *State v. Gill*, 150 Iowa 210, 129 N. W. 821, 9 MICH. LAW REV. 226. The statutes freeing women from ancient disabilities are strictly construed and it has been customary to hold that nothing as to woman's condition at common law has been removed, unless expressly so stated. *Com. v. Wood*, 97 Mass. 225; *Neys v. Taylor*, 12 S. D. 488. By the weight of authority the presumption still exists. *Com. v. Eagan*, 103 Mass. 71; *State v. MaFoo*, 110 Mo. 15; *Davis v. State*, 15 Ohio 72; *Com. v. Flaherty*, 140 Mass. 454; *State v. Kelly*, 74 Ia. 589. The presumption, however, is not conclusive. *Com. v. Adams*, 186 Mass. 101; *State v. Newell*, 156 N. C. 648. And it may be rebutted by slight circumstances. *State v. Cleaves*, 59 Me. 298. The reason for still maintaining the presumption is stated in *Com. v. Wood*, 97 Mass. 225 as follows: "The doctrine of the common law was that the wife was under the husband's protection, influence, power, and authority, and that he is at the head of the household. He may no doubt still exercise as much power as may be reasonably necessary to prevent her from committing crimes. Although the wife may own and control property, the laws giving her these rights have never been regarded as affecting the rights and power of the husband as head of the family." The principal case is therefore against the weight of authority and contra to former decisions of its own court. *State v. Williams*, 65 N. C. 398; *State v. Nowell*, 156 N. C. 648.